

We agree that Ekman discloses small spherical particles from systems containing two liquid phases but the systems it discloses are fundamentally different from those embraced by claim 1.

Example 6 relied on in the rejection is irrelevant. While acryldextran mentioned in Ekman may or may not be crosslinked in Example 6, acryldextran is chemically different from polyethylene glycol diacrylate as claimed and note that polyethylene glycol diacrylate is only one of the hydrogel precursors in claim 1. In said paragraph 6, Eckman's disclosure of polyethylene glycol and dextran / polyethylene glycol/water and polyethylene glycol/dextran sulfate/water as a continuous phase are irrelevant. Polyethylene glycol diacrylate as claimed is chemically different from polyethylene glycol and polyethylene glycol/dextran as disclosed by Ekman and comprises dispersed phase and not continuous phase as do the Ekman disclosures. While Hatsuda discloses use of polyethylene glycol diacrylate as monomer to form hydrogel particulates, the conclusion that it is obvious to use polyethylene glycol diacrylate to form microcapsules in Ekman/Mosier doesn't logically follow.

We turn to claim 3-7. Claim 3-7 are rejected as unpatentable over Ekman et al plus Mosier plus Hatsuda plus Cruise plus additionally Nelson (6,596,296). Reconsideration is requested. The rejection is submitted to be blatantly defective. Claim 3-7 are defective for the same reasons as the rejection of claim 1. Additionally consider the following. The rejection (page 5, line 5) relies on Nelson disclosing "nanospheres"; Nelson does not disclose nanospheres. The rejection relies on Nelson as teaching NIPAA as recited in applicant's claim 4 and


its effect as recited in applicant's claim 3. While Nelson discloses temperature sensitive NIPAA gels, it nowhere suggests the combination with polyethylene glycol diacrylate to make gels or to make microspheres or even mention microspheres or nanospheres and it would not be obvious to cure these deficiencies with the other disclosed references.

The mention of Example 4 of Ekman in paragraph 12 of the action is a mistake and probably the action means to refer to Example 6 which mentions acryldextran (irrelevant) and polyethylene glycol (irrelevant).

Allowance is requested.

Respectfully submitted,
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